

# Committee on Resources

## Subcommittee on National Parks and Public Lands

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### Witness Statement

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#### **STATEMENT BY PIMA COUNTY SUPERVISOR RAY CARROLL SUPPORTING H.R.2941 THE PIMA COUNTY SONORAN DESERT CONSERVATION PLAN AND THE PROPOSED LAS CIENEGAS NATIONAL CONSERVATION AREA**

The proposed legislation for the Las Cienegas National Conservation Area is a practical and progressive response to natural resource and fiscal management issues in Pima County Arizona. It has broad public support and complements the goals of the one of the largest habitat conservation planning efforts in the United States, which is Pima County's Sonoran Desert Conservation Plan.

As we all know, it is not uncommon for counties in the western United States that are experiencing rapid population growth to find themselves dealing with a new set of land use rules introduced through protection of endangered species. As we grow, we move out into the areas that unique desert animals have occupied and learned to live in by adopting survival strategies attuned to the local plant community. When we reduce some of these habitat communities to make room for homes and businesses, we reduce the populations of the animals -- sometimes to the point that the federal government steps in to uphold the endangered species act.

Pima County has over 20 plants and animals currently listed or on the way to listing under the Endangered Species Act. The local science community is concerned that another 100 native species are declining so rapidly that listing is in their future.

These sorts of listings, when unaddressed, can inject a fair amount of uncertainty into local economies. On October 27, 1998, the Pima County Board of Supervisors launched a comprehensive conservation planning effort called the *Sonoran Desert Conservation Plan* that will address the uncertainty issues created by current listings, and head off future listings at the same time.

By taking a rational and science based view of resource protection, Pima County will obtain a permit from the United States Fish and Wildlife Service that will allow us to continue to accommodate population growth in areas where development does not pose a serious risk to sensitive habitat.

We are drafting a multi-species conservation plan so that the community will come under the cover of a federal permit. Often called a Section 10 permit, this plan will bring regulatory relief to our community in the sense that questions about liability for protection of endangered species will become more settled, and it will return local land use decision making to the local level.

Our approach is creating a model of how the Endangered Species Act can realize its potential for the protection of all species, and at the same time avoid the economic crisis and community disruption that a listing can cause.

Because Pima County Arizona is one of the fastest growing areas in the United States, it is certain that we will face more endangered species listings if a broad prevention plan is not put in place soon.

### **How Does the National Conservation Area Fit In?**

The Sonoran Desert Conservation Plan includes six major elements, all of which are found in the land base that makes up the proposed Las Cienegas National Conservation Area. These elements are:

- Ranch Conservation
- Mountain Park Expansion
- Historic and Cultural Preservation
- Establishment of Biological Corridors
- Riparian Restoration
- Critical and Sensitive Habitat Protection

Last September, Congressman Kolbe submitted a legislative proposal in the House of Representatives to establish the Las Cienegas National Conservation Area.

The National Conservation Area legislation provides the opportunity to consolidate public ownership and management of the Cienega watershed and set specific management guidelines to ensure conservation of riparian and grassland ecosystems.

It also represents a milestone in the development of the Sonoran Desert Conservation Plan.

The origins of this proposal date back more than a decade. In 1987, Pima and Santa Cruz Counties urged the Arizona Congressional delegation to authorize the Bureau of Land Management (BLM) to acquire the privately-owned Empire-Cienega Ranch. Through subsequent land exchanges, the BLM acquired roughly 42,000 acres of deeded land and assumed management of another 57,000 acres of state grazing land.

The acquisition marked the beginning of a local effort to control urban sprawl, maintain open space through ranch conservation, provide for public recreation, and protect native plants and wildlife. Toward this end, Pima County established Colossal Cave Mountain Park and Cienega Creek Natural Preserve and acquired several adjacent ranches at a cost of approximately \$14 million. These acquisitions brought nearly 5,800 acres into public ownership, and included management of over 31,000 acres of State Trust land leased for grazing.

My comments submitted for the record describe the existing Empire-Cienega Resource Conservation Area (RCA) and the proposed legislation for elevating the conservation status of this particular area by establishing the Las Cienegas National Conservation Area (NCA) through Congressional action.

This legislation has my strong support and it has the support of the Pima County Board of Supervisors, who, on October 5, 1999, unanimously passed a Resolution requesting that Congress -- consistent with the larger Sonoran Desert Conservation Plan -- establish the Las Cienegas National Conservation Area.

### **Purpose of the Proposed Las Cienegas National Conservation Area**

The proposed Congressional legislation will elevate the conservation status and establish a "Las Cienegas National Conservation Area." If enacted, it will be similar to the 1988 legislation which authorized the

56,000 acre San Pedro Riparian National Conservation Area in Cochise County.

**Purpose** - The stated purpose for establishing the Las Cienegas National Conservation Area is to "conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important aquatic, wildlife, vegetative, agricultural, archaeological, paleontological, scientific, cave, cultural, historical, recreational, educational, scenic, rangeland, and riparian resources and value of the public land ... while allowing environmentally responsible and sustainable livestock grazing and recreation to continue in appropriate areas."

Within this opening statement of the legislation, each of the six elements of the Sonoran Desert Conservation Plan finds support, including (1) Corridor Protection for wildlife; (2) Protection of Critical and Sensitive Habitat; (3) Riparian Restoration and water resource protection; (4) Mountain Park and recreation goals; (5) Ranch Conservation; and (6) Historic and Cultural Preservation.

As a watershed unit, the entire Las Cienegas basin also fits well within the ongoing process for developing the Sonoran Desert Conservation Plan. A July 1999 report to the Board described how research was being conducted in subarea planning units based on watersheds, since the riparian link to subareas enhances the ecosystem integrity of the Sonoran Desert Conservation Plan. The Cienega-Rincon watershed planning unit includes lands within the proposed Las Cienegas National Conservation Area.

### **Habitat and Corridor Considerations of the Las Cienega National Conservation Area**

Preserving large blocks of suitable land and important wildlife movement corridors is necessary to maintain the present diversity of plant and animal life in the area. The BLM's acquisition of the Empire-Cienega Ranch in 1988 was a good start in this respect. BLM has, since then, substantially improved habitat conditions for several species of wildlife.

The southeast corner of Pima County plays an important role in the overall conservation plan. Traditionally, grassland in southern Arizona has been subject to extensive development, while mountainous land has been isolated in separate Coronado National Forest units, the so-called "sky islands."

But many wildlife species, principally large mammals and birds, depend at some point in the year upon the availability of lower elevation plant communities lying outside National Forest boundaries. The uplands are habitat for grassland-dependent wildlife such as the Chihuahuan Pronghorn, Baird's Sparrow and Sprague's Pipit.

The Las Cienegas National Conservation Area, particularly if it adopts management goals that are adaptive and developed in a manner consistent with the Sonoran Desert Conservation Plan, will preserve wildlife movement corridors linking a number of mountain ranges to the Cienega Creek corridor and adjacent grasslands.

The area involved also allows animals to take advantage of local variations in rainfall and elevation, and to respond to periodic fires.

### **Riparian Protection as a Result of the Las Cienegas National Conservation Area**

Depletion of water tables and surface water diversions have led to the loss of riparian habitat and to the precipitous decline in the populations of many species. The Science Technical Advisory Team for the

Sonoran Desert Conservation Plan has received a report which found that over 100 plants and animals in Pima County are in need of protection. A disproportionate number of extirpated native species are (or were) dependent on aquatic habitat which is now lost.

Riparian habitat itself has been targeted by the Team for protection under the Sonoran Desert Conservation Plan. Another report to the Team confirms the need for such attention; in answer to the question of what percentage of each vegetation community exists in public preserves, riparian habitat was found to be the most unprotected, with a range of 67 percent to 100 percent of the existing community lacking representation in the current system of public land preserves.

Threats to the riparian resources and wildlife community within the proposed Las Cienegas National Conservation Area include the following:

1. Much of the proposed National Conservation Area lies outside the Tucson Active Management Area (TAMA), wherein groundwater pumping is restricted and water conservation measures are required. Even within the Tucson Active Management Area, measures are not taken to conserve the shallow water tables upon which riparian areas depend.
2. The Desert Fishes Recovery Team, comprised of scientists from a variety of state and federal agencies, has listed Cienega Creek as its top priority for protection. The remnant cienegas and desert wetlands along this stream are home to the endangered Gila Topminnow and Huachuca Water Umbel as well as the Lesser Long-nosed Bat. The Chiricahua Leopard Frog, Gila Chub, and Yellow-Billed Cuckoo also occur within the proposed National Conservation Area. These are species which may soon become listed as endangered or threatened .
3. In general, mesquite woodlands, fish, frogs and cottonwood trees along Cienega, Davidson, Wakefield, Mescal and Agua Verde Creeks all depend on the presence of a shallow water table..

Potential benefits from the Las Cienegas National Conservation Area include at least that perennial stream segments could be protected and restored, and thus contribute to recovery of several species listed under the Endangered Species Act.

### **Historic and Archeological Considerations of the Las Cienegas National Conservation Area**

Over 615 archaeological sites have been recorded in the proposed National Conservation Area. Most of our knowledge of the life paths of prehistoric culture groups in southern Arizona are based on prehistoric adaptations to the Arizona upland component of the Sonoran Desert.

Little research has been conducted in semi-arid and arid grassland environments of the Cienega Valley. Therefore, the potential difference in prehistoric adaptive strategies in grassland and Sonoran Desert environments is not well understood. Preservation of prehistoric sites in the Cienega Valley will allow the various prehistoric adaptive strategies to be studied and compared. Such comparisons are necessary to understand how culture groups respond to different environmental variables. Cienega Valley sites are also ideally situated to address questions relating to the social interaction of prehistoric culture groups occupying the Santa Cruz and San Pedro river valleys.

The area also contains a number of historic sites worthy of conservation. Over 65 historic period sites associated with ranching, mining, and transportation activities have been identified. These sites include

historic ranches (e.g., the Empire, Gardiner, O'Leary, Hopley and Kane ranch), historic towns (e.g., Greaterville and Pantano), mines (such as Total Wreck Mine and other mining claims), and historic travel routes (e.g., the Butterfield Stage Line, Southern Pacific Railroad, and historic road alignments of State Route 83 and 88).

### **Ranch Conservation Considerations of the Las Cienegas National Conservation Area**

The proposed National Conservation Area supports the element of the Sonoran Desert Conservation concept which seeks to keep ranches from being subdivided. Today, ranching is giving way to subdivisions and second home development, and portions of the proposed National Conservation Area near Vail and Empirita Ranch have conditional zoning for urban, commercial, and industrial development.

The Empire-Cienega Resource Conservation Area has become a laboratory for the exercise of a conservation ethic which reflects the growing understanding among the ranch community that science-based practices and protection of habitat lead to ecologically sound and financially viable ranching. The Las Cienegas National Conservation Area legislation promotes the continued extension of these practices to other neighboring ranches, while protecting them from urban encroachment.

### **Public Recreation Considerations of the Las Cienegas National Conservation Area**

The proposed Las Cienegas National Conservation Area could facilitate the development of recreation management strategies. The recreation opportunities are numerous.

The Arizona Trail corridor will pass through a considerable portion of the proposed NCA. The Arizona Trail is a 750 mile non-motorized recreational trail that stretches from Utah to Mexico, passing through some of Arizona's most scenic back country. The trail is now nearly 70 percent complete. It is open to hikers, equestrians and mountain bicyclists.

Fifteen trails listed on the Eastern Pima County Trail System Master Plan (Pima County Ordinance No. 1996-75) cross or are located within the proposed National Conservation Area, including two utility corridor trails that will link with the Arizona Trail. These trails are presently being used for recreational purposes.

Hunting areas in eastern Pima County have been reduced by development, but hunting is also occurring within the proposed Area and will be permitted under the proposed legislation.

### **Conclusion**

This proposed action is a major positive step for advancing conservation in Southern Arizona. It benefits not only Pima County, but also Santa Cruz County and the entire state.

By making a long term commitment to conserve natural resources in defined parts of the region, we will also create certainty for other land uses under within the region.

The proposed National Conservation Area, consistent with the Pima County Sonoran Desert Conservation Plan initiated by the Board of Supervisors, holds a great deal of promise for the long term stability of the economic and natural resources of our region.

I am a strong supporter of this legislation, as is everyone who understands the importance of creating a

balance of fiscal and natural resources through landscape planning that will improve the quality of life for many generations of Tucson citizens.

Thank you for providing me with the opportunity to address you today on the Las Cienegas National Conservation Area.

Ray Carroll  
Pima County Board of Supervisors  
District 4

## **CHRONOLOGY OF PIMA COUNTY CONSERVATION PLAN EFFORTS**

1. March 1997 - The Cactus Ferruginous Pygmy-Owl was listed as endangered. 1997 surveys confirmed only 12 birds, with the majority located in the northwest Tucson/Marana area. By June of 1998 surveys had discovered 31 individuals. The Board funded \$100,000 of survey work in 1999. That year over 70 owls were found through a broad intergovernmental survey effort. The 2000 survey season is ongoing.
2. February 24, 1998 - The Board of Supervisors held a special study session on growth management issues.
3. August 11, 1998 - The Pima County Board of Supervisors adopted environmental protection ordinances.
4. August 13, 1998 - U.S. Fish and Wildlife issued proposed take guidance and survey protocol for the pygmy-owl.
5. September 1, 1998 - Neighborhood and environmental groups were invited to work on an ad hoc basis to advise the County about the impacts of planned development of a YMCA and community college on the County-owned Arthur Pack Park site, located in owl habitat on the northwest side. It was recommended that Pima County not pursue development plans on Arthur Pack Park. This recommendation was accepted by the Board in October.
6. September 23, 1998 - A six element natural resource conservation proposal was described.
7. October 27, 1998 - The Board discussed the draft of the Sonoran Desert Conservation Plan and directed staff to pursue a regional multi-species conservation plan under Section 10. The draft Sonoran Desert Conservation Plan was circulated for 3 months to jurisdictions and the public for comment. It contains 6 elements: (1) Ranch Conservation; (2) Cultural and Historic Preservation; (3) Riparian Restoration; (4) Mountain Park Expansion; (5) Corridor and Linkage Protection; and (6) Critical and Sensitive Habitat Protection.
8. December 1, 1998 - The Board of Supervisors discussed the structure of a Steering Committee for the conservation planning process.
9. December 3, 1998 - The Secretary of the Department of the Interior attended a special meeting of the Pima County Board of Supervisors and signed a Resolution which reflected the County's intent to uphold the Endangered Species Act by pursuing a multi-species conservation plan under Section 10 of the Endangered Species Act.
10. March 2, 1999 -- The Board accepted a report containing three months of public comment and adopted the Sonoran Desert Conservation Plan in concept to frame the planning process. A Steering Committee of

over 80 people was seated. Four Technical Advisory Teams were formed in the areas of Science, Cultural Resources, Ranch Conservation and Law and Economics. Each team meets regularly, with most teams meeting on a monthly basis.

11. April 30, 1999 -- The Science Technical Advisory Team published the technical report entitled *Determining Species of Concern* which identified the declining plant and animal populations that might be considered for protection under the Plan.

12. April 1999 -- A discussion paper entitled *Paseo de las Iglesias* about the County's cultural and riparian restoration projects along the Santa Cruz River was issued.

13. May 22, 1999 -- The Steering Committee met for the first education session on: Conservation Plans, the ESA, and the Constitution

14. May 1999 -- A discussion paper entitled *Preserving Cultural and Historic Resources* was issued and the Cultural Resources Technical Advisory Team began to meet.

15. June 26, 1999 -- The Steering Committee met for the second education session: The Cactus Ferruginous Pygmy-owl

16. July 1999 -- A discussion paper entitled *Water Resources and the Sonoran Desert Conservation Plan* was issued.

17. July 24, 1999 -- The Steering Committee met for the third education session: Pima County's People, Economy, Water and Land

18. July 1999 - A discussion paper entitled *Sonoran Desert Conservation Plan Update, Focus on Riparian Areas*, was issued.

19. August 14, 1999 -- The Steering Committee met for the fourth education session: Ranching within Pima County.

20. August 1999 -- A discussion paper entitled *Mountain Parks and the Sonoran Desert Conservation Plan* was issued.

21. September 1999 -- The Steering Committee met for the fifth education session: Conservation Biology.

22. October 1999 -- The Steering Committee met for the sixth education session: Pima County's Cultural and Historic Resources.

23. November 1999 -- A discussion paper entitled *Ranching in Pima County* was issued.

24. November 1999 -- A discussion paper entitled *Pygmy-Owl Update* was issued.

25. November 1999 -- The Steering Committee met for the seventh education session: How to Create a Multi-Species Conservation Plan.

26. November 1999 -- A discussion paper entitled *Science and GIS Update* was issued.

27. December 1999 -- The Steering Committee met for the eighth education session: Tohono O'odham Nation Presentation.
28. December 1999 -- The Tohono O'odham Nation entered into an agreement to cooperatively work in developing the Sonoran Desert Conservation Plan.
29. December 1999 -- A discussion paper entitled *Environmental Restoration in Pima County* was issued.
30. December 1999 -- Pima County was awarded a National Fish and Wildlife Foundation grant to conduct a GIS modeling project with Dr. Michael Gilpin and other scientists as part of the Sonoran Desert Conservation Plan.
31. January 2000 -- Pima County contracted with consultants to conduct the biological evaluation for the Sonoran Desert Conservation Plan.
32. January 2000 -- A discussion paper entitled *History of Land Use in Pima County* was issued.
33. January 2000 -- A discussion paper entitled *Perennial and Intermittent Streams, and Areas of Shallow Groundwater* was issued.
34. February 2000 -- Pima County and the City of Tucson agreed to dedicate water resources to riparian restoration projects under the Sonoran Desert Conservation Plan.
35. February 2000 -- A draft cooperative agreement was sent to federal and local government partners.
36. February 2000 -- A discussion paper entitled *Land Stewardship in Pima County* was issued.
37. February 2000 -- A discussion paper entitled *Impact of Unregulated Development* was issued.
38. February 2000 -- A discussion paper entitled *Desert Ironwood Primer* was issued.
39. The following sessions are scheduled and described for the Steering Committee:  
  
Session 9. Resources of Altar Valley; Cienega Rincon; San Pedro (March 25, 2000)  
  
Session 10: Resources of Tortolita Fan; Avra Valley; Upper Santa Cruz (April 29, 2000)  
  
Session 11: Resources of Middle Santa Cruz; Western Pima County (June 3, 2000)  
  
Session 12: Resources of Sonoran Desert Conservation Plan Elements (June 24, 2000)  
  
Session 13-on: Scoping Meetings to Discuss Preliminary Preserve Alternatives.
40. The following reports are currently being drafted and will be released at the rate of one or two per week through the summer of 2000, including the *Preliminary Sonoran Desert Conservation Plan*, which will be describe preliminary preserve alternatives:

**Upcoming technical reports and discussion papers:**



- Impact of Unregulated Development at the Community and Watershed Level
- Resources of the Middle San Pedro Watershed
- Resources of the Altar Valley Watershed
- Resources of the Cienega Rincon Watershed
- Land Cover and Community Inventory
- Watercourse Study
- Threats Assessment
- Committed Land Report
- Vulnerable Species
- Fiscal Impact of Land Use
- Pilot Riparian Mapping
- Resources of the Tortolita Fan
- Resources of the Avra Valley Watershed
- Resources of the Upper Santa Cruz Watershed
- Riparian Analysis
- Pygmy-Owl Update
- Planning and Zoning Primer
- Wildlife Law and Reserve Design
- Potential Stressor Species
- Draft Species Summaries / Maps
- Resources of the Middle Santa Cruz Watershed
- Resources of Western Pima County
- Preliminary Mountain Parks Element
- Preliminary Cultural Resources Element
- Preliminary Ranch Conservation Element
- Vulnerable Species Analysis
- Preliminary Riparian Restoration Element
- Draft Reserve Design
- Preliminary Sonoran Desert Conservation Plan